

RECEIVED
CENTRAL FAX CENTER**APR 03 2007**Serial No. 10785,262
Page 5 of 7**REMARKS**

Claims 1-3, 5, and 9-12 are currently pending in this application, with claims 1, 9 and 11 are amended herein. No new matter has been added.

Initially, the office action objects to claim 1 for an improper antecedent for the term telephone directory database. Claims 1, 9 and 11 have been amended to correct this antecedent issue. Withdrawal of the objection to the claims is respectfully requested.

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,377,795 to Bach in view of U.S. Patent No. 6,748,068 to Walsh. Claims 1, 2 and 5 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bach in view of Walsh and in further view of U.S. Patent No. 5,206,900 to Callele. Claim 3 is rejected under 35 U.S.C. § 103(a) as unpatentable over Bach in view of Walsh and Callele and in further view of U.S. Patent No. 6,026,152 to Cannon.

As best understood the Walsh reference relied upon by the Examiner describes a configuration in which, upon receiving a call, the called telephone is immediately connected to a message recorder, and is controlled such that it sends a voice message back to the caller without ringing, or generating a dial tone. A voice message is received from the caller side is recoded and options for disposing the received call, for instance, responding to the call, rejecting the call and routing the call to a voicemail system are presented for a person at the called side to select from. These options are made available to the called side by listening to a replay of the recorded message of the caller side.

While these options are indeed directed to reduce the number of unwanted calls, such as from telemarketers, the claims of the instant invention are directed to preventing a particular type of scamming through the so called "one-time only call." A "one-time only call" is a trick

8:206905_1

Serial No. 10/785,262

Page 6 of 7

devised for luring as many people as possible into dialing a number to a voice-information provider service that charges for making the call without the originator being charged for the original call. The initiators call and then cut off the call as soon as it generates a first ring at the called side's handset. This single ring leaves the caller's number recorded on the called side's handset and stops the call before the caller can be charged. The single ring also eliminates the possibility of the called side having enough time to answer before the call is cut off. This scam is prevalent because there is no charge on the caller's side. The claims of the instant application are directed to a means of eliminating this scam from affecting the called person by answering the call immediately forcing the caller into a position where they have to pay for the call.

The claims of the instant invention are directed to methods, a terminal device and a recording medium which are configured to send a message back to the caller side and have the associated entire telephone charge go to the caller side when the caller side telephone number is not found in the called side telephone number database. It is respectfully submitted that the relied upon portions of Walsh do not teach such a feature. Further the failures of Walsh are not addressed by Bach, Callel, or Cannon. Accordingly, claims 1, 9, and 11 patentably distinguish over the relied upon portions of the cited reference and are allowable. Claims 2, 3, 5, 10, and 12 which depend from one of these allowable base claims are allowable therewith.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

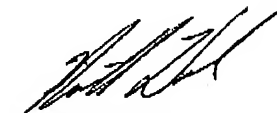
84206903_1

Serial No. 10/785,262

Page 7 of 7

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Nathan Weber
Reg. No. 50,958

CUSTOMER NUMBER 026304
Telephone: (212) 940-8564
Fax: (212) 940-8986 or 8987
Docket No.: FUJO 20.967 (100794-00561)
NW:cc

84206905_1